

QUINN EMANUEL URQUHART & SULLIVAN, LLP

Charles K. Verhoeven (Bar No. 170151)  
charlesverhoeven@quinnemanuel.com

David A. Perlson (Bar No. 209502)  
davidperlson@quinnemanuel.com

50 California Street, 22nd Floor  
San Francisco, California 94111

Telephone: (415) 875-6600  
Facsimile: (415) 875-6700

Kevin P.B. Johnson (Bar No. 177129)

kevinjohnson@quinnemanuel.com

Victoria F. Maroulis (Bar No. 202603)

victoriamaroulis@quinnemanuel.com

555 Twin Dolphin Drive, 5th Floor

Redwood Shores, California 94065

Telephone: (650) 801-5000

Facsimile: (650) 801-5100

Attorneys for Samsung Electronics Co., Ltd.,

Samsung Electronics America, Inc., and

Samsung Research America, Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

HUAWEI TECHNOLOGIES CO., LTD., et al.,

Plaintiffs,

v.

SAMSUNG ELECTRONICS CO., LTD., et al.,

Defendants.

CASE NO. 16-cv-02787-WHO

**DECLARATION OF COLE  
MALMBERG REGARDING  
SUMMARY JUDGMENT AND  
DAUBERT FILINGS**

SAMSUNG ELECTRONICS CO., LTD. &  
SAMSUNG ELECTRONICS AMERICA, INC.,

Counterclaim-Plaintiffs,

v.

HUAWEI TECHNOLOGIES CO., LTD.,  
HUAWEI DEVICE USA, INC., HUAWEI  
TECHNOLOGIES USA, INC., & HISILICON  
TECHNOLOGIES CO., LTD.,

Counterclaim-Defendants.

1 I, Cole Malmberg, declare as follows:

2 1. I am a member of the State Bar of California, admitted to practice before this  
3 Court, and an attorney at the law firm of Quinn Emanuel Urquhart & Sullivan, LLP, counsel for  
4 Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Research  
5 America, Inc. (collectively, "Samsung"). Except as otherwise indicated, I have personal  
6 knowledge of the facts stated herein and, if called as a witness, could and would testify thereto.

7 2. I make this declaration concurrently with the filing of the Joint Chart Regarding  
8 Sealing Summary Judgment and Daubert Filings (Dkt. 420) to resubmit documents that were  
9 previously filed under seal. These documents are being resubmitted because the previously filed  
10 versions lacked highlighting of the sealable information contained therein and/or the parties have  
11 determined to submit excerpts of lengthy documents for the convenience of the Court and of the  
12 parties. Where excerpts of previously filed documents are submitted, those excerpts encompass  
13 all of the material in those documents cited in the parties' summary judgment and Daubert  
14 briefing.

15 3. Attached hereto as Exhibit 1 to the Declaration of Sam Stake in Support of  
16 Samsung's Motion to Partially Exclude is a true and correct copy of excerpts of a document  
17 previously submitted at Dkt. 331-6. Blue highlighting has been added to the document to denote  
18 the information that Samsung seeks to seal. Huawei seeks to seal other, non-highlighted portions  
19 of the document.

20 4. Attached hereto as Exhibit 2 to the Declaration of Sam Stake in Support of  
21 Samsung's Motion to Partially Exclude is a true and correct copy of excerpts of a document  
22 previously submitted at Dkt. 331-8. Yellow and blue highlighting has been added to the document  
23 to denote the information that Huawei and Samsung seek to seal.

24 5. Attached hereto as Exhibit 3 to the Declaration of Sam Stake in Support of  
25 Samsung's Motion to Partially Exclude is a true and correct copy of excerpts of a document  
26 previously submitted at Dkt. 331-10. Yellow and blue highlighting has been added to the  
27 document to denote the information that Huawei and Samsung seek to seal.

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1           6.       Attached hereto as Exhibit 4 to the Declaration of Sam Stake in Support of  
2 Samsung's Motion to Partially Exclude is a true and correct copy of excerpts of a document  
3 previously submitted at Dkt. 331-12. Blue highlighting has been added to the document to denote  
4 the information that Samsung seeks to seal. Huawei seeks to seal other, non-highlighted portions  
5 of the document.

6           7.       Attached hereto as Exhibit 5 to the Declaration of Sam Stake in Support of  
7 Samsung's Motion to Partially Exclude is a true and correct copy of excerpts of a document  
8 previously submitted at Dkt. 331-14. Yellow and blue highlighting has been added to the  
9 document to denote the information that Huawei and Samsung seek to seal.

10          8.       Attached hereto as Exhibit 7 to the Declaration of Sam Stake in Support of  
11 Samsung's Motion to Partially Exclude is a true and correct copy of excerpts of a document  
12 previously submitted at Dkt. 331-18. Yellow highlighting has been added to the document to  
13 denote the information that Huawei seeks to seal.

14          9.       Attached hereto as Exhibit 8 to the Declaration of Sam Stake in Support of  
15 Samsung's Motion to Partially Exclude is a true and correct copy of excerpts of a document  
16 previously submitted at Dkt. 331-20. Yellow and blue highlighting has been added to the  
17 document to denote the information that Huawei and Samsung seek to seal.

18          10.      Attached hereto as Exhibit 12 to the Declaration of Sam Stake in Support of  
19 Samsung's Motion to Partially Exclude is a true and correct copy of excerpts of a document  
20 previously submitted at Dkt. 331-27. Yellow highlighting has been added to the document to  
21 denote the information that Huawei seeks to seal.

22          11.      Attached hereto as Exhibit I to the Declaration of Brian Mack in Support of  
23 Samsung's Motion for Summary Judgment is a true and correct copy of excerpts of a document  
24 previously submitted at Dkt. 333-21. Blue highlighting has been added to the document to denote  
25 the information that Samsung seeks to seal. Purple highlighting has been added to the document  
26 to denote information that third parties seek to seal.

27          12.      Attached hereto as Exhibit 1 to the Declaration of Leif Peterson in Support of  
28 Huawei's Opposition to Samsung's Motion to Partially Exclude is a true and correct copy of a

1 document previously submitted at Dkt. 347-14 (beginning at page 1). Yellow highlighting has  
2 been added to the document to denote the information that Huawei seeks to seal.

3 13. Attached hereto as Exhibit 2 to the Declaration of Leif Peterson in Support of  
4 Huawei's Opposition to Samsung's Motion to Partially Exclude is a true and correct copy of a  
5 document previously submitted at Dkt. 347-14 (beginning at page 20). Yellow highlighting has  
6 been added to the document to denote the information that Huawei seeks to seal.

7 14. Attached hereto as Exhibit 6 to the Declaration of Sam Stake in Support of  
8 Samsung's Opposition to Huawei's Motion for Summary Judgment is a true and correct copy of  
9 excerpts of a document previously submitted at Dkt. 357-15. Yellow and blue highlighting has  
10 been added to the document to denote the information that Huawei and Samsung seek to seal.

11 15. Attached hereto as Exhibit 9 to the Declaration of Sam Stake in Support of  
12 Samsung's Opposition to Huawei's Motion for Summary Judgment is a true and correct copy of  
13 excerpts of a document previously submitted at Dkt. 357-20. Yellow highlighting has been added  
14 to the document to denote the information that Huawei and Samsung seek to seal.

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16 I declare under penalty of perjury under the laws of the United States of America that the  
17 foregoing is true and correct. Executed October 15, 2018, in Redwood Shores, California.

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19 /s/ Cole Malmberg

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**ATTESTATION**

Pursuant to Civil L.R. 5-1(i)(3), the undersigned attests that concurrence in the filing of this Declaration has been obtained from Cole Malmberg.

/s/ Victoria F. Maroulis  
Victoria F. Maroulis